

ATTORNEY DOCKET NO. P109-US

SUPPLEMENTAL REMARKS

Further to the Response filed January 7, 2005, applicants hereby respectfully additionally submit that the rejections made using the Doan reference was in error, because the Doan reference is not available as a reference under 35 U.S.C. § 103(a).

The present invention has a filing date of July 24, 2003, and the Doan reference has a filing date of February 12, 2003 and a publication date of August 12, 2004. Therefore, the Patel reference is not available under 35 U.S.C. §102(a) or 102(b), though it is available under 35 U.S.C. §102(e).

However, the claimed invention in the present application and the subject matter at issue in the Doan reference were "at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Therefore, in accordance with the exception for 35 U.S.C. §102 (e) in 35 U.S.C. §103 (c), the Doan reference is further not available under 35 U.S.C. §103/102(e) for rejecting the claims of the present invention. Copies of the assignments for the current application and the Doan reference are enclosed herewith.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. In the event any fees are required in connection with this paper, please charge our Deposit Account No. 501516.

Respectfully submitted,



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